

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.59 OF 2004
IN
SUMMARY SUIT NO.3492 OF 2003

Nitin V. Palany ..Plaintiff.

Vs.

Atul H. Thakkar & Anr. ..Defendants.

Mr.Sanjay Udeshi, Advocate for the Plaintiff.

Mr.A.M.Saraogi, Advocate for Defendant Nos.1 and 2.

CORAM: S.J.VAZIFDAR, J.
DATED: 18TH JANUARY, 2005

P.C. :

Mr.Saraogi states that with a view not to prejudice the Defendant's case under the criminal proceedings and without admitting the liability in suit, the Defendants shall within 12 weeks from today deposit a sum of Rs.4,50,000/-. Hence, the following order is passed :

i) Leave to defend granted to the Defendant conditional upon the Defendant depositing in this Court a sum of Rs.4,50,000/- within 12 weeks from today.

ii) In the event of the above amount being

deposited, the Plaintiff shall be at liberty to withdraw the same by furnishing security to the Prothonotary and Senior Master in the sum of Rs.4,50,000/- and on filing an undertaking in this Court to pay such rate of interest in the event of the Plaintiff being directed at the hearing of the suit to refund the amount. Mr.Saraogi has no objection to the same.

- iii) In the event the Defendants deposit the aforesaid amount, the suit to stand transferred to the list of Commercial Causes. The Defendants to file their written statement within 30 days. Discovery and Inspection within four weeks thereafter.
- iv) By consent of the Defendants, in the event of the Defendants failing to deposit the said amount as aforesaid, the suit shall stand decreed as prayed.

Parties to act on an ordinary copy of this order duly authenticated by the Associate/Court Stenographer.